

CH

RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUL 2 2008 *aw*
JUL 2 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DEREK L. BOSS

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

SGT JOHN DOE #1141

08CV3774
JUDGE MANNING
MAG. JUDGE VALDEZ

Case No: _____
(To be supplied by the Clerk of this Court)

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)
- ☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)
- ☐ **OTHER** (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: DEREK L. ROSS
- B. List all aliases: NONE
- C. Prisoner identification number: 20080026964
- D. Place of present confinement: COOK COUNTY DEPARTMENT OF CORRECTIONS
- E. Address: Div 6-1Q-L2 P.O. Box 089002 CH., IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: SGT. JOHN DOE STAR No. #1141
 Title: SARGENT OF THE CHICAGO POLICE DEPARTMENT #1141
 Place of Employment: CITY OF CHICAGO POLICE DISTRICT 24
- B. Defendant: _____
 Title: _____
 Place of Employment: _____
- C. Defendant: _____
 Title: _____
 Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: NONE
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____
- D. List all defendants: _____
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: _____
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

My claim is against a Chicago Police Sgt. John Doe #1141 for false arrest, false incarceration and malicious prosecution in violation of plaintiff constitutional rights under the Fourth Amendment's to be free from unreasonable seizures, 2; and under the Fourteenth Amendment's the right to due process.

Statement Of Facts

1. On Saturday March 10, 2007 on or about 5:55 pm Plaintiff was driving a Green 1995 Jeep Grand Cherokee 4x4 which was registered to a Mrs. Lorraine Norfleet, license plate no. #9525988.

Plaintiff was driving East-Bound in the 1600 Block of W. Jonquil Ave. when a marked squad car driven by a Sgt. John Doe Star No. #1141 out the 24th District stopped Plaintiff claiming that his vehicles music was playing to loud.

But when yet Sgt. John Doe stopped Plaintiff he asked about guns and drugs and when Plaintiff

stated that he didn't have any Sgt. John Doe got upset and wrote Plaintiff five Traffic Violations.

Constitutional Violation

1. The most serious charge was driving under the influence; in sometime in July 2007, Plaintiff file a motion for a suppress hearing under Gerstein to determine whether Probable Cause existed.
2. The trial of facts found that "No" Probable Cause existed and everything that came found that arrest was a Violation of Plaintiff's Constitutional Rights under the Fourth and Fourteenth Amendment.
3. Plaintiff stayed incarcerated for one day and was given a \$3,000.00 I-Bond on March 11, 2007.
4. Plaintiff was scarcely at liberty; remained apprehended, arrested in his movement, indeed "seized" for trial, so long as he was bound to appeal in court and answer the Defendant Sgt. John Doe #1141 charges.
5. The Plaintiff lost time out from work to appeal in court, in violation of his Constitutional Rights.
6. The vehicle that Plaintiff were driving in, was "impounded" on March 10, 2007 and Plaintiff

had to pay Fine \$1,500.00; for Tow Fee \$150.00; and Storage Fees \$20.00; which came out to be a total of \$1,670.00 in Violation of the Plaintiff's Constitutional Rights under the Fourth and Fourteenth Amendments.

7. Plaintiff also suffers mental and emotional distress as a result of the Defendant Sgt. John Doe # 1141 Constitutional Violations

WHEREFORE, THE PLAINTIFF PRAYS THAT THIS HONORABLE COURT WOULD GRANT SAID COMPLAINT AND ALLOW THE DEFENDANT SGT. JOHN DOE STAR # 1141 TO ANSWER THE PLAINTIFF'S COMPLAINT

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

THE PLAINTIFF WOULD LIKE THIS HONORABLE COURT
TO MAKE AND HAVE THE DEFENDANT COMPENSATE THE
PLAINTIFF FOR HIS PAIN AND SUFFERING, AS WELL AS
FOR HIS MENTAL AND EMOTIONAL DISTRESS IN THE SUM
OF \$350,000.00.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 26TH day of JUNE, 2008

Derek Ross
(Signature of plaintiff or plaintiffs)

DEREK ROSS
(Print name)

20080026964
(I.D. Number)

Div 6-1Q-L2

P.O. Box 089002

CHICAGO, IL 60608
(Address)